REMARKS

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application.

Disposition of Claims

Claims 1-3, 5-15, and 17-26 are now pending in this application. Claims 1, 13, and 23-26 are independent. The remaining claims depend, directly or indirectly, from claim 1 or 13.

Claim Amendments

By way of this reply, independent claim 1 has been amended to clarify that a parameter selecting part selects a set of parameters from a table based on attributes of a person inferred by an inference part and a result of recognition by a distance recognition part. Independent claims 13 and 23-26 have been amended to require similar limitations. Further, independent claims 1, 13, and 23-26 have been amended to correct minor informalities. No new matter has been added by way of these amendments, as support for these amendments may be found, for example, in paragraph [0097] of the publication of the Specification.

Objection(s) to the Claims

Claims 1, 13, and 23-26 are objected to because of informalities. Claims 1, 13, and 23-26 have been amended as explained above. Accordingly, withdrawal of this objection is respectfully requested.

Rejections under 35 U.S.C. § 103

Claims 1-3, 5-12, 23, and 25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2002/0113862 to Center (hereinafter "Center") in view of U.S. Patent No. 5,638,136 to Kojima *et al.* (hereinafter "Kojima"). Independent claims 1, 23, and 25 have been amended as discussed above. To the extent that this rejection may still apply to the amended claims, the rejection is respectfully traversed for at least the reasons set forth below.

One or more embodiments of the present invention are directed to an image pickup device. In one or more embodiments, attributes of a person are inferred by an inference part, and a distance between the person and an image pickup unit is recognized by a distance recognition part. A table stores a plurality of sets of parameters that are respectively optimized based on each attribute of a person. Then, a selecting part selects a set of parameters from a table based on the attributes of the person and the distance between the person and an image pickup unit (*see, e.g.,* Publication of the Specification, paragraph [0097]).

Accordingly, amended independent claim 1 requires, in part, "a parameter selecting part for selecting a set of parameters from a table based on the attributes of a person inferred by the inference part and a result of recognition by the distance recognition part" and "wherein the table stores a plurality of sets of parameters that are respectively optimized based on each attribute of a person."

In contrast, Kojima and Center fail to show or suggest at least the above limitations.

In fact, Kojima only teaches that a focus area is adjusted based on a distance L to an object and a magnifying ratio Z. Specifically, a value k is obtained using the expression ($k=a \cdot$

Z/L a: Constant), and, then, the focus area is adjusted based on the value k (*see* Kojima, column 30, lines 35-49). That is, it would be clear to a skilled artisan that Kojima does not show or suggest a table storing a plurality of sets of parameters that are respectively optimized based on each attribute of a person. Thus, Kojima necessarily cannot select a set of parameters from a table based on the attributes of the person inferred by an inference part and a result of recognition by the distance recognition part.

Therefore, Kojima fails to show or suggest at least "a parameter selecting part for selecting a set of parameters *from a table based on the attributes of a person inferred by the inference part and a result of recognition by the distance recognition part*" and "wherein *the table stores a plurality of sets of parameters* that are respectively optimized based on each attribute of a person."

In addition, as acknowledged by the Examiner, Center fails to show or suggest a distance recognition part (Office Action dated April 23, 2008, at page 6). Thus, it is clear that Center does not supply that which Kojima lacks with respect to claim 1.

Further, Center teaches a method of template matching. Specifically, each template that represents an expected appearance of an object is prepared in advance. Each degree of the similarity between the object and the template are measured (*see* Center, column 2, paragraph [0028]).

Thus, even assuming that Center's device is modified using Kojima's teachings by including the distance recognition part to Center's face image extraction part as alleged by the Examiner, the resulting device would only determine a focus area as taught by Kojima, and,

then, conduct template matching between the focus area and templates. Thus, it would be clear to a skilled artisan that even a device made from the combined teachings of Kojima and Center does not select a set of parameters *from a table based on the attributes of a person inferred by the inference part and a result of recognition by the distance recognition part.*

Therefore, Kojima and Center, whether considered separately or in combination, fail to show or suggest at least "a parameter selecting part for selecting a set of parameters *from a table based on the attributes of a person inferred by the inference part and a result of recognition by the distance recognition part*" and "wherein *the table stores a plurality of sets of parameters* that are respectively optimized based on each attribute of a person," as required by amended independent claim 1.

In view of above, Kojima and Center, whether taken separately or in combination, fail to show or suggest the invention as recited in amended independent claim 1. Thus, amended independent claim 1 is patentable over Kojima and Center. Further, in view of the similarity between the limitations of amended independent claim 23 and 25 and the limitations discussed above with respect to amended independent claim 1, Applicant respectfully submits that the foregoing arguments as to the patentability of amended independent claim 1 also demonstrate the patentability of amended independent claims 23 and 25. As such, it is respectfully submitted that amended independent claims 23 and 25 are patentably distinguishable over the cited references at least for reasons analogous to those presented above. Dependent claims are allowable for at least same reasons. Accordingly, withdrawal of the rejection is respectfully requested.

Claims 13-15, 17-22, 24, and 26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Center in view of the article "Making saturated facial images useful again" (hereinafter "Soriano") and Kojima. Independent claims 13, 24, and 26 have been amended as discussed above. To the extent that the rejection may still apply to the amended claims, the rejection is respectfully traversed for at least the reasons set forth below.

In view of the similarity between the limitations of amended independent claims 13, 24, and 26 and the limitations discussed above with respect to amended independent claim 1, Applicant respectfully submits that the foregoing arguments also demonstrate that Kojima and Center, whether taken separately or in combination, fail to show or suggest the invention as recited in amended independent claims 13, 24, and 26.

Further, Soriano fails to show or suggest that which Kojima and Center lack. This is evidenced by the fact that Soriano is relied on as merely showing a registration part (*see* Office Action dated April 23, 2008, at page 14).
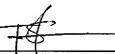
In view of above, Kojima, Center, and Soriano, whether taken separately or in combination, fail to show or suggest the invention as recited in amended independent claims 13, 24, and 25. Thus, amended independent claims 13, 24, and 25 are patentable over Kojima, Center, and Soriano. Dependent claims are allowable for at least same reasons. Accordingly, withdrawal of these rejections is respectfully requested.

Conclusion

   Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 15115/103001).

Dated: July 15, 2008   Respectfully submitted,

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